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Janet Sherrill

JANUARY 11, 2007
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gary Landreth et al.
Group Art Unit: not known
Serial No.: 10/565,683
Filed: January 24, 2006
Examiner: not known
Attorney Docket No: CWR-7812PCT/US
For: METHODS AND TREATMENT OF
PARKINSON'S DISEASE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION AND DECLARATION UNDER 37 C.F.R. §1.47(a) TO
FILE AN APPLICATION WITH AN INVENTOR WHO CANNOT BE REACHED**

01/16/2007 LLANDGRA 00000076 10565683

Dear Sir:

200.00 OP

This Petition requests the filing of the above-identified patent application with one inventor who cannot be reached. The application was filed in the United States on January 24, 2006 and claims priority from PCT/US03/023082, which was filed on July 24, 2003. A Notice of Missing Parts was sent by the U.S. Patent and Trademark Office on July 11, 2006. A signed Declaration/Power of Attorney from four of the five inventors is being filed herewith. The other inventor has not returned a signed Declaration and cannot be reached. Accordingly, this Petition and Declaration is being filed in accordance with 37 C.F.R. §1.47(a) to set forth the facts showing diligent effort to obtain a signature from the inventor. The Declaration set forth below is made by the undersigned attorney who is responsible for

prosecuting the application. A check for the petition fee, set forth in 37 C.F.R. §1.17(g), of **\$200.00** is enclosed herewith.

DECLARATION

I, Richard A. Sutkus, hereby declare as follows:

1. I am a partner with the law firm of Tarolli, Sundheim, Covell & Tummino LLP (hereinafter "the Tarolli law firm") in Cleveland, Ohio. The Tarolli firm is patent counsel for the Case Western Reserve University (hereinafter "CWRU") and represents CWRU in the above-identified patent application.
2. My responsibilities for CWRU include the preparation, filing, and prosecution of patent applications for inventions developed CWRU employees.
3. On July 24, 2003, Ropes and Gray LLP filed a PCT application for the invention entitled Compositions and Methods for the Treatment of Parkinson's Disease. The application listed Gary Landreth, Colin Combs, Etiene Hirsch, Michael Heneka and Tilo Breidert as inventors. The Serial Number for the application is PCT/US0323082
4. On June 7, 2003, Ropes and Gray sent a power of attorney for execution to Tilo Breidert's last known address in Germany. A copy of this communication is attached as Attachment A. Ropes and Gray received no reply from this communication and attempted to contact Mr. Breidert by email with no success.
5. On March 2, 2004 Ropes & Gray sent a general power of attorney for execution to Mr. Breidert's last known address in Germany. A copy of this communication is attached as Attachment B. No response was received by Ropes and Gray with respect to this communication.
6. On April 1, 2004, Ropes and Gray filed a Response to Correct Defects in the International Application. The Response indicated that Ropes and Gray had attempted to obtain signature form Mr. Breidert on two occasions by courier but was unsuccessful. A copy of this communication is listed as Attachment C.
7. On August 12, 2005, the prosecution of the PCT application was transferred to the Tarolli law firm by CWRU.
8. On January 24, 2006, upon instruction by CWRU, the Tarolli firm entered national stage in the United States. The application was filed without a Declaration of Inventorship. The Serial No. of the application is 10/565,683.
9. On July 11, 2006 a Notification of Missing Requirements was sent by the United States Patent and Trademark Office to the Tarolli firm.
10. On August 29, 2006, a declaration of inventorship was mailed to all the inventors including Mr. Breidert's last known address. The Tarolli firm received no response from Mr. Breidert.
11. On September 13, 2006 Etiene Hirsch signed the declaration and subsequently sent the signed copy to our office.
12. On October 4, 2006, Colin Combs signed the declaration and subsequently sent the signed copy to our office.

13. On October 20, 2006, Gary Landreth signed the declaration and subsequently sent the signed copy to our office.
14. On November 28, 2006, the senior paralegal at CWRU was contacted to verify the address for Mr. Breidert. As indicated in the email included as Attachment D, CWRU did not have a mailing address for Mr. Breidert, but did have an email address.
15. On December 5, 2006, the Tarolli firm attempted to email Mr. Breidert at his last known email address. The email is included as Attachment E. Tracking of the email indicated that the email address was no longer valid.
16. On January 8, 2006, Etiene Hirsch signed the declaration and subsequently sent the signed copy to our office.
17. Subsequent to the December 5, 2006 email, I have attempted to contact Mr. Breidert through his last known associates to no avail.
18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 100 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

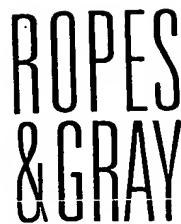
Date:

January 11, 2006



Signature of Declarant
Richard A. Sutkus
Reg. No. 43,941

Tarolli, Sundheim, Covell & Tummino LLP
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: 216-621-2234
Facsimile: 216-621-4072
Customer No. : 26, 294



ROPE\$ & GRAY LLP

ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050
 BOSTON NEW YORK SAN FRANCISCO WASHINGTON, DC

DAVID P. HALSTEAD

WRITER'S DIRECT DIAL: (617) 951-7615
 WRITER'S EMAIL: DHALSTEAD@ROPE\$GRAY.COM

March 2, 2004

VIA DHL Courier Service

Mr. Tilo Breidert
 Baumgartenstr. 9
 76316 Malsch
 GERMANY

Re: PCT (International) Application No. US03/23082
 Title: *Compositions and Methods for the Treatment
 Of Parkinson's Disease*
 Filing Date: July 24, 2003
 Our Ref.: CWRU-PWO-043

Dear Mr. Breidert:

Further to our letter dated November 17, 2003 and in regard to the subject application, attached for your signature as an Inventor/Applicant is a General Power of Attorney document.

Please sign and date the Power of Attorney where indicated. We would appreciate prompt return of the signed document via facsimile and overnight mail.

If you have any questions, please do not hesitate to call. Thank you for your attention to this important matter.

Sincerely,

David P. Halstead

DPH/mmd
 Encl.
 cc: Anita Varma (w/out encl.)

PCT
GENERAL POWER OF ATTORNEY
(for several international applications filed under the Patent Cooperation Treaty)

(PCT Rule 90.5)

The undersigned person(s)

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

BREIDERT, Tilo
Baumgartenstr. 9
76316 Malsch
DE

hereby appoints (appoint) the following person(s) as: agent common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

J. Steven Baughman, 47,414; Mark W. Bellomy, 51,452; Johnny Y. Chen, 46,614; Gojeb L. Frehywot, 52,916; Gloria Fuentes, 47,580; Gregory Glover, 34,173; William G. Gosz, 27,787; Patricia Granahan, 32,227; Z. Angela Guo, P54,144; David P. Halstead, 44,735; Margaret E. Jamroz, 54,196; Edward J. Kelly, 38,936; Charles Larsen, 48,533; Agnes S. Lee, 46,862; 44,870; Weishi Li, 53,217; Yu Lu, 50,306; Alex Manganiello, 53,264; Robert A. Mazzarese, 42,852; Christopher Natkanski, 50,365; R. Daniel O'Connor, P54,343; John D. Quisel, 47,874; Melissa S. Rones, Ph.D., 54,408; Spencer H. Schneider, 45,923; Sanjay Sittlani, 48,489; Wolfgang E. Stutius, 40,256; Anita Varma, 43,221; Matthew P. Vincent, 36,709; Dalila Argaez Wendlandt, 52,351; and Levina Wong, P54,551

ROPS & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
United States of America

to represent the undersigned before

all the competent International Authorities
 the International Searching Authority only
 the International Preliminary Examining Authority only

in connection with any and all international applications filed with the following Office:

US as receiving Office and to make or receive payments on behalf of the undersigned.

Signatures of the applicant(s) *(where there are several persons, each of them must sign, next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading this power):*

Date: _____ By: _____
Tilo Breidert



ROPEs & GRAY LLP

ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050
BOSTON NEW YORK SAN FRANCISCO WASHINGTON, DC

MARIA M. BJORNHOLM

PARALEGAL

WRITER'S DIRECT DIAL: (617) 951-7868
WRITER'S EMAIL: MBJORNHOLM@ROPESGRAY.COM

November 17, 2003

VIA DHL Courier Service

Mr. Tilo Breidert
Baumgartenstr. 9
76316 Malsch
GERMANY

Re: Newly Filed International Application
Title: *Compositions and Methods for the Treatment
Of Parkinson's Disease*
Filing Date: July 24, 2003
Our Ref.: CWRU-PWO-043

Dear Mr. Breidert:

In regard to the subject application, attached for your signature as an Inventor/Applicant is a General Power of Attorney document.

Please sign and date the Power of Attorney where indicated. We would appreciate prompt return of the signed document via facsimile and overnight mail.

If you have any questions, please do not hesitate to call. Thank you for your attention to this important matter.

Sincerely,

Maria M. Bjornholm
Foreign Filing Paralegal

/mmd
Encl.

PCT
GENERAL POWER OF ATTORNEY
(for several international applications filed under the Patent Cooperation Treaty)

(PCT Rule 90.5)

The undersigned person(s)

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

BREIDERT, Tilo
Baumgartenstr. 9
76316 Malsch
DE

hereby appoints (appoint) the following person(s) as: agent common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

Steven Baglio, 51,426; J. Steven Baughman, 47,414; Mark W. Bellomy, 51,452; Johnny Y. Chen, 46,614; James P. Demers, 34,320; Gojeb L. Frehywot, 52,916; Gloria Fuentes, 47,580; Gregory Glover, 34,173; William G. Gosz, 27,787; Patricia Granahan, 32,227; Z. Angela Guo, P54,144; David P. Halstead, 44,735; Margaret E. Jamroz, 54,196; Edward J. Kelly, 38,936; Charles Larsen, 48,533; Agnes S. Lee, 46,862; Paul E. Lewkowicz, 44,870; Weishi Li, 53,217; Yu Lu, 50,306; Alex Manganielo, 53,264; Robert A. Mazzarese, 42,852; Christopher Natkanski, 50,365; R. Daniel O'Connor, P54,343; John D. Quisel, 47,874; Melissa S. Rones, Ph.D., 54,408; Spencer H. Schneider, 45,923; Sanjay Sitali, 48,489; Wolfgang E. Stutius, 40,256; Anita Varma, 43,221; Matthew P. Vincent, 36,709; Dalila Argaez Wendlandt, 52,351; and Levina Wong, P54,551

ROPS & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
United States of America

to represent the undersigned before

all the competent International Authorities
 the International Searching Authority only
 the International Preliminary Examining Authority only

in connection with any and all international applications filed with the following Office:

US as receiving Office and to make or receive payments on behalf of the undersigned.

Signatures of the applicant(s) *(where there are several persons, each of them must sign, next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading this power)*

Date: _____ By: _____
Tilo Breidert

10252201

Int'l Appln. No.: US03/23082

Int'l Filing Date: 24 July 2003
(24.07.2003)

For: COMPOSITIONS AND METHODS FOR THE TREATMENT OF PARKINSON'S
DISEASE

RESPONSE TO INVITATION TO CORRECT DEFECTS
IN THE INTERNATIONAL APPLICATION

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn.: RO/US

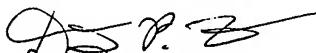
Sir:

Responsive to the Invitation to Correct Defects dated 2 September 2003 and pursuant to Rule 4.15(b), Applicants respectfully advise that Request/Powers of Attorney have been furnished by all applicant/inventors except BREIDERT, Tilo.

Applicants' agent has attempted to obtain a signature on a Request/Power of Attorney for BREIDERT, Tilo by overnight courier service (on two occasions) as well as via e-mail since November, 2003. Applicants' agent is unable to communicate with BREIDERT, Tilo and will not be able to provide a Request/Power of Attorney.

It is believed that no fee is due in connection with this paper. In the event any fee variance exists, please charge the fee to our Deposit Account No. 18-1945.

Respectfully submitted,



David P. Halstead
Registration No. 44,735

Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7615

Dated: 1 April 2004

Attachment D

From: Janet Sherrill
To: Ginny Olszewski
Date: 11/29/2006 9:00:19 AM
Subject: RE: Your Ref.: JAKE-158, Our File: CWR-7812PCT/US

Thanks, I'll try that.

>>> "Ginny Olszewski" <vao@case.edu> 11/29/2006 8:40 AM >>>

Sorry, Janet, I don't have any address info for this person. Have you tried this email address - tilo.breidert@gmx.de ? I have no idea if it is current or valid - good luck!

Ginny

-----Original Message-----

From: Janet Sherrill [mailto:jsherrill@tarolli.com]
Sent: Tuesday, November 28, 2006 4:46 PM
To: vao@case.edu
Subject: RE: Your Ref.: JAKE-158, Our File: CWR-7812PCT/US

Not a problem. I'm going to be kind of pain and ask you if you would happen to have Tilo Breidert's address. I looked through the files and I can not come up with one. Thanks Ginny.

Janet

>>> "Ginny Olszewski" <vao@case.edu> 11/28/2006 4:37:32 PM >>>

Hi Janet,
Per Michael Haag, the email from Gary Landreth listing inventors in connection with the above should be accurate. I apologize for the delay.
Please let me know if there's anything further that you need.

Regards,
Ginny

Ginny Olszewski
Senior Paralegal/Compliance Specialist
Technology Transfer Office
Case Western Reserve University
Sears Library, 6th Floor
10900 Euclid Avenue
Cleveland, OH 44106-7219
216-368-0362
Fax: 216-368-0196

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message.
Thank you for your cooperation.

-----Original Message-----

From: Ginny Olszewski [mailto:vao@case.edu]
Sent: Monday, November 20, 2006 9:36 AM

Attachment E

From: Janet Sherrill
To: "tilo.breidert@gmx.de".GWIA.TAROLLI
Date: 12/5/2006 4:23:53 PM
Subject: Co-inventor on Application

Good Afternoon Mr. Breidert:

You are a co-inventor on a Patent Application for Case Western Reserve University. In order to completely file the application Formal papers need to be filed. I am having trouble locating an address for you, if you could please e-mail me your current address so that I may forward you the formal papers for signature I would greatly appreciate it. The deadline to file the papers is January 11, 2007. Please let me have your information as soon as possible.

Very truly yours,

Janet A. Sherrill
Secretary to
Richard A. Sutkus
Tarolli, Sundheim, Covell & Tummino L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, OH 44114
Phone: (216) 621-2234, Ext. 133
Fax: (216) 621-4072

ASSIGNMENT

WHEREAS, we, Gary Landreth, Colin Combs, Etienne Hirsch and Michael T. Heneka of Shaker Heights, County of Cuyahoga, State of Ohio; of Grand Forks, County of Grand Forks, State of North Dakota; of Versailles, Country of France, and of Bonn, Country of Germany, respectively, have made new and useful improvements in METHODS FOR THE TREATMENT OF PARKINSON'S DISEASE; for which application for Letters Patent of the United States has been filed on January 24, 2006, under Serial No. 10/565,683; and

WHEREAS, Case Western Reserve University, a tax-exempt nonprofit organization duly organized and existing under the laws of the State of Ohio, having a place of business at Cleveland, County of Cuyahoga, State of Ohio, is desirous of acquiring the entire right, title and interest in and to the said improvements and all patents therefor to be obtained in the United States of America and countries foreign to the United States;

NOW THEREFORE, BE IT KNOWN that for valuable considerations to us paid, the receipt whereof is hereby acknowledged, we the said Gary Landreth, Colin Combs, Etienne Hirsch and Michael T. Heneka do hereby assign, sell and set over unto the said Case Western Reserve University, its successors or assigns, the entire right, title and interest in and to the said improvements and any and all inventions pertaining thereto, said application Serial No. 10/565,683, for the United States patent, all patents granted therefor in the United States of America and elsewhere, and the right to apply for patents therefor in all countries foreign to the United States and to claim for such applications the priority of United States applications, and we hereby request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents, to issue such patents to the said Case Western Reserve University, its successors or assigns; and we further agree to execute such other applications and other instruments and do all other acts as may be deemed necessary by the said Case Western Reserve University, its successors or assigns in order to fully secure, protect and preserve its rights to the said improvements and to obtain patents therefor in the United States of America and all countries foreign to the United States, all without further consideration but at the expense of the said Case Western Reserve University, its successors or assigns.

Signed at
County of _____
This 24th day of Oct., 2006

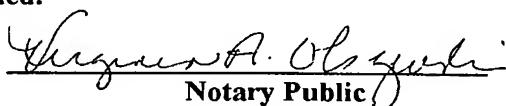

Gary Landreth

STATE OF Ohio)
COUNTY OF Cuyahoga)

On this 24th day of Oct., 2006
Personally appeared before me Gary Landreth to me known to be the person named in and
who executed the above instrument, and acknowledged to me that he executed the same for
the uses and purposes herein mentioned.

VIRGINIA A. OLSZEWSKI
Notary Public

In and for the State of Ohio
My Commission Expires Oct. 20, 2007
Recorded in Lake County


Virginia A. Olszewski
Notary Public



Signed at
County of
This

day of

and State of

, 20



Colin Combs

STATE OF)
)
COUNTY OF)

On this day of , 20
Personally appeared before me Colin Combs to me known to be the person named in and who
executed the above instrument, and acknowledged to me that he executed the same for the uses
and the purposes therein mentioned.

Notary Public

Signed at
County of
This

day of

and State of

, 20

STATE OF)
)
COUNTY OF)

Etiene Hirsch

On this day of , 20
Personally appeared before me Etiene Hirsch to me known to be the person named in and who
executed the above instrument, and acknowledged to me that he executed the same for the uses
and the purposes therein mentioned.

Notary Public

Signed at
County of
This

and State of
day of , 20

Colin Combs

STATE OF)
)
COUNTY OF)

On this day of , 20 .
Personally appeared before me Colin Combs to me known to be the person named in and who
executed the above instrument, and acknowledged to me that he executed the same for the uses
and the purposes therein mentioned.

Notary Public

Signed at *Paris*
County of *France*
This

and State of
day of *September 13* , 20 06



~~Etiene Hirsch~~

STATE OF)
)
COUNTY OF)

On this day of , 20 .
Personally appeared before me Etiene Hirsch to me known to be the person named in and who
executed the above instrument, and acknowledged to me that he executed the same for the uses
and the purposes therein mentioned.

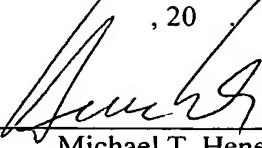
Notary Public

Signed at
County of _____, day of _____
This _____

and State of _____

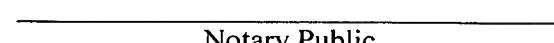
8. 1. 2007

, 20


Michael T. Heneka

STATE OF)
)
COUNTY OF)

On this _____ day of _____, 20 _____.
Personally appeared before me Michael T. Heneka to me known to be the person named in and
who executed the above instrument, and acknowledged to me that she executed the same for the
uses and the purposes therein mentioned.


Notary Public